

HOUSE BILL NO. 633

INTRODUCED BY J. BRUEGGEMAN

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE FIXING OF SEASONS BY THE FISH, WILDLIFE, AND PARKS COMMISSION; REQUIRING THE COMMISSION TO FIX SEASONS FOR GAME ANIMALS BASED ON HUNTING DISTRICT HARVEST QUOTAS; REQUIRING THE COMMISSION TO USE SPECIAL LICENSES TO ADDRESS GAME DAMAGE AND PRIVATE PROPERTY COMPLAINTS; AMENDING SECTION 87-1-304, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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12 **Section 1.** Section 87-1-304, MCA, is amended to read:

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14 **"87-1-304. Fixing of seasons and bag and possession limits.** (1) (a) The commission may:

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16 (i) fix seasons, bag limits, possession limits, and season limits; The season for each species of game animal must be based on harvest quotas established annually by the commission for each hunting district.

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18 (ii) open or close or shorten or lengthen seasons on any species of game, bird, fish, or fur-bearing animal as defined by 87-2-101; and

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20 (iii) declare areas open to the hunting of deer, antelope, elk, moose, sheep, and goat by bow and arrow permitholders and designate times when only bows and arrows may be used to hunt deer, antelope, elk, moose, sheep, and goat in those areas.

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22 (b) The commission may restrict areas and species to hunting with only specified hunting arms, including bow and arrow, for the reasons of safety or of providing diverse hunting opportunities and experiences.

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24 (c) The commission may declare areas open to special license holders only and issue special licenses in a limited number when the commission determines, after proper investigation, that a special season is necessary to ensure the maintenance of an adequate supply of game birds, fish, or animals or fur-bearing animals. The commission may declare a special season and shall issue special licenses when game birds, game animals, or fur-bearing animals are causing damage to private property or when a written complaint of damage has been filed with the commission by the owner of that property. Special licenses issued for game damage must be issued promptly by the commission to landowners in the affected areas. The special licenses must be used by landowners to provide for public harvest of game animals in the affected areas. In determining to whom

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1 special licenses must be issued, other than special licenses for game damage, the commission may, when more
2 applications are received than the number of animals to be killed, award permits to those chosen under a
3 drawing system. The procedures used for awarding the permits from the drawing system must be determined
4 by the commission.

5 (2) The commission may adopt rules governing the use of livestock and vehicles by archers during
6 special archery seasons.

7 (3) The commission may divide the state into fish and game districts and create fish, game, or
8 fur-bearing animal districts throughout the state. The commission may declare a closed season for hunting,
9 fishing, or trapping in any of those districts and later may open those districts to hunting, fishing, or trapping.

10 (4) The commission may declare a closed season on any species of game, fish, game birds, or
11 fur-bearing animals threatened with undue depletion from any cause. The commission may close any area or
12 district of any stream, public lake, or public water or portions thereof to hunting, trapping, or fishing for limited
13 periods of time when necessary to protect a recently stocked area, district, water, spawning waters,
14 spawn-taking waters, or spawn-taking stations or to prevent the undue depletion of fish, game, fur-bearing
15 animals, game birds, and nongame birds. The commission may open the area or district upon consent of a
16 majority of the property owners affected.

17 (5) The commission may authorize the director to open or close any special season upon 12 hours'
18 notice to the public.

19 (6) The commission may declare certain fishing waters closed to fishing except by persons under 15
20 years of age. The purpose of this subsection is to provide suitable fishing waters for the exclusive use and
21 enjoyment of juveniles under 15 years of age, at times and in areas the commission in its discretion considers
22 advisable and consistent with its policies relating to fishing."

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24 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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